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PCT/DE2003/003138

TENT COOPERATION TREATY



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P11067WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/003138	International filing date (day/month/year) 22 September 2003 (22.09.2003)	Priority date (day/month/year) 25 September 2002 (25.09.2002)
International Patent Classification (IPC) or national classification and IPC A61B 6/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 20 April 2004 (20.04.2004)	Date of completion of this report 29 December 2004 (29.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/DE2003/003138

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-13, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-12, filed with the letter of 06 December 2004 (06.12.2004)
- ☒ the drawings:
pages 1/2-2/2, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 03/03138

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

- D1: US-A-6 078 699 (VAN EEUWIJK ALEXANDER H W ET AL)
20 June 2000 (2000-06-20)
- D2: EP-A-1 223 751 (EASTMAN KODAK CO) 17 July 2002
(2002-07-17)
- D3: US 2002/018589 A1 (BEUKER ROB ANNE ET AL)
14 February 2002 (2002-02-14)

2. Document D1, which is considered the closest prior art, discloses (cf. column 5, line 24 to column 6, line 6) a device from which the subject matter of claim 1 differs in that

- i) a digital radiation detector is provided and in that
- ii) the control device for automatically determining the recording positions is configured based on the height of the examination area and the height of the active surface of the radiation detector.

2.1. Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

2.2. Feature (i) is obvious to a person skilled in the art and thus does not support the involvement of an inventive step.

2.3. The effect of feature (ii) is that the recording position is calculated automatically, in other words, it no longer needs to be carried out by the doctor.

2.4. The problem to be solved by the present invention can thus be seen as that of providing a device with which it is possible to create a simpler overall image of the examination area, said image necessarily being composed of a plurality of partial images because of its size.

2.5. The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)), since it is neither disclosed in nor suggested by the prior art. Document D1 does not disclose how the recording positions are determined. Document D2 discloses merely that the images are taken in such a way that there is a small amount of overlap between the individual images (D2, paragraph [0009], lines 44-46). Document D3 also fails to disclose any details with regard to how the individual recording positions are determined (paragraph [0033]).

2.6. Claims 2-12 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.